



Department of Justice

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MIAMI JURY CONVICTS MEDICAL SERVICES COMPANY OWNER OF MEDICARE FRAUD

Fifth Trial Conviction for Medicare Strike Force Since March

WASHINGTON – A federal jury in Miami has convicted the owner and operator of Direct Nursing Assistance Inc. of Medicare fraud, Assistant Attorney General Alice S. Fisher of the Criminal Division and U.S. Attorney R. Alexander Acosta of the Southern District of Florida announced today.

After a four day trial, Rodolfo Aenlle, 47, was found guilty on all counts of conspiracy, fraud, taking kickbacks, and related charges. U.S. District Judge Donald Middlebrooks of the Southern District of Florida remanded Aenlle into immediate custody following the verdict.

Aenlle faces a maximum of 40 years in prison. His sentencing is scheduled for Dec. 13, 2007.

Aenlle owned and operated Direct Nursing Assistance Inc. from October of 2001 through June of 2006. The jury heard testimony that Aenlle paid cash kickbacks to patients and physicians as part of his scheme to defraud Medicare. While Aenlle was president of Direct Nursing Assistance, the company submitted claims to Medicare for \$1 million. Evidence at trial established that Aenlle had prescription pads printed, and forged the names and signatures of physicians. Trial exhibits confirmed that Aenlle had 130 paid patients at Direct Nursing who received services and drugs that they did not need. Many of the phony prescriptions were for non-commercially available aerosol medications so that they could be illegally “compounded.” Compounding is the process of a pharmacist making medication as opposed to a pharmaceutical manufacturer.

The jury found that Aenlle conspired with the owners of Unimed Pharmacy to refer paid patients to the pharmacy in exchange for half of what Medicare paid for compounded aerosols. One of the patients testified during trial that Aenlle paid her \$150 per month to use her Medicare card and to obtain phony prescriptions in her name. Unimed Pharmacy fraudulently billed Medicare more than \$200,000 using the phony prescriptions that Aenlle obtained. In exchange, Aenlle received kickbacks of over \$100,000.

Aenlle's partner at Direct Nursing Assistance, Carlos Carrion, was convicted of Medicare Fraud in September 2007.

In 2006, the Medicare program paid for over \$155 million worth of aerosol medications in Miami-Dade County alone. These drugs were the single most common item billed to Medicare Part B and accounted for over 32 percent of all claims filed with the Durable Medical Equipment (DME) Regional Carrier in Miami-Dade County. From 2005 to 2006, claims for aerosol medications rose over 100 percent in Miami-Dade County. According to Medicare data, Miami-Dade County alone accounted for more paid DME claims than every state in the country except California, Texas, New York, Michigan, and Ohio.

The case was prosecuted by Deputy Chief Kirk Ogrosky from the Fraud Section of the Criminal Division and Assistant U.S. Attorney Ryan K. Stumphauzer of the Southern District of Florida. The U.S. Department of Health and Human Services Office of the Inspector General, the FBI, and the Florida Medicaid Fraud Control Unit provided investigative assistance.

The Medicare Strike Force is led by the Fraud Section of the Criminal Division in Washington, D.C., and the office of U.S. Attorney R. Alexander Acosta of the Southern District of Florida. The Strike Force operates out of the federal Health Care Fraud Facility in Miramar, Fla. Since March 1, 2007, the strike force has brought approximately 80 cases against 120 defendants, including 42 convictions.

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